

B1 A3
routing the call to an agent of the automatic call distributor based upon the determined language of the call.

Amend claim 19 to read as follows:

A4
19. An automatic call distributor with language recognition means, comprising:

means for detecting a call within the automatic call distributor;

means for determining a language of a customer; and

means for routing the call to an agent of the automatic call distributor based on the determined language of the call.

REMARKS

1. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-24 are pending in this application. Claims 1-24 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,479,488 to Lennig et al. in view of U.S. Patent No. 6,029,124 to Gillick et al. After a careful review of the claims, it has been concluded that the rejections are in error and the rejections are, therefore, traversed.

2. In order to further clarify the scope of the claimed invention, independent claims 1, 7, 13 and 19 have been further limited to "routing the call to an agent of the automatic call distributor based upon the determined

language of the call". Support for the additional limitation may be found in the specification (e.g., page 4, line 20 to page 5, lines 1-2; page 5, lines 11-14, etc.)

3. Claims 1-24 have been rejected as being obvious over Lennig et al. in view of Gillick et al. In particular, the Examiner asserts that

"As per claims 1, 7, 13, 14, 19, 20, Lennig et al (5479488) teaches an automatic call distributor comprising detecting a call (col. 4, line 13 - col. 5 line 14), sampling an audio portion of the call (col. 6 lines 19-43), fitting a plurality of audio templates to the sampled portion of the call (as comparing and calculating probabilities in the comparison process - - figs 3a,3b; col. 6 lines 35-42, col. 8 line 10 - col. 10 line 35). Lennig et al (5479488) teaches language determination during the call processing (col. 6 lines 1-18, Fig. 3a, subblocks 302-308); however, the language selection technique taught in Lennig et al (5479488) is determined by customer selection, and not based on speech recognition. However, Gillick et al (6029124) teaches a language selection technique based upon recognized input speech (col. 19 lines 30-41). Therefore, it would have been obvious to one of ordinary skill in the art of language selection to modify the teachings of Lennig et al with automated speech recognized base language selection because it would advantageously provide an improved performance in the automated recognition aspect of the system (Gillick, col. 7 lines 36-52)."

It is noted first in this regard that contrary to the assertion of the Examiner, Lennig et al. is not directed to an automatic call distributor as such term is generally understood in the art. For example, Newton's Telecom

Dictionary (18th Ed.) asserts that "An ACD performs four functions. 1. It will recognize and answer an incoming call . . . It will send the call to an agent as soon as that operator has completed his/her previous call". In contrast, Lennig et al. only sends the calls to an operator in the case where the system cannot identify the call destination (Lennig et al. (col. 3, lines 23-29). Since Lennig et al. does not direct every call to an agent, Lennig et al. is not directed to ACDs, as such term is generally understood in the art.

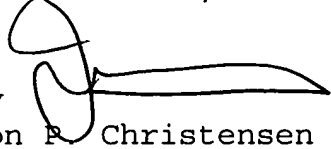
It is noted next that the audio templates of Lennig et al. are used for a different purpose than that of the claimed invention. For example, identification of spoken words in Lennig et al. are used to avoid routing a call to an operator (Lennig et al.: col. 2, lines 11-16; col. 7, lines 44-47); whereas, under the claimed invention, recognition of a language is used as a selection criteria for an agent.

Further, the modification of Lennig et al. to route calls to agents based upon language (as under the claimed invention) would involve a fundamental change in the way Lennig et al. functions, since Lennig et al. functions to avoid routing calls to operators. Since the modification of Lennig et al. would involve a change in an essential operating characteristic of Lennig et al., any rejection based upon Lennig et al. (or the combination of Lennig et al. and Gillick et al.) would now be improper and should be withdrawn.

3. Allowance of claims 1-27, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a

telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,
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Marked Up Claims

1. A method of determining a language of a call handled by an automatic call distributor, such method comprising the steps of:

detecting the call;

sampling an audio portion of the call;

fitting a plurality of audio templates to the sampled portion of the call; [and]

determining a language of the call based upon a best relative fit between one of the plurality of audio templates and the sampled portion of the call; and

routing the call to an agent of the automatic call distributor based upon the determined language of the call.

7. An automatic call distributor with language recognition means, comprising:

means for detecting a call;

means for sampling an audio portion of the call;

means for fitting a plurality of audio templates to the sampled portion of the call; [and]

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means for determining a language of the call based upon a best relative fit between one of the plurality of audio templates and the sampled portion of the call; and

means for routing the call to an agent of the automatic call distributor based upon the determined language of the call.

13. A method of routing a call based on a language of a customer comprising the steps of:

detecting the call;

determining the language of the customer; [and]

routing the call to a response service based on the language; and

routing the call to an agent of the automatic call distributor based upon the determined language of the call.

19. An automatic call distributor with language recognition means, comprising:

means for detecting a call within the automatic call distributor;

means for determining a language of a customer; and

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means for routing the call [to a response service] to an agent
of the automatic call distributor based on the determined
language of the call.